

has only such property rights as may be derived from the owner \* \* \*. The property is not, therefore, within the exclusive jurisdiction of the United States under the United States Constitution, Art. I, Sec. 8." On the question of whether or not enforcement of the ordinance would constitute an interference with Federal functions, the Court said, "Any interference of the local police regulations with the mails would be, at most, an indirect one, and to pass on the objection on that ground, we should have to consider the rule and the decisions on local regulations interfering only incidentally with federal powers." <sup>4</sup>

In a New York County Court case <sup>5</sup> the defendant was charged with the crime of manslaughter committed on lands occupied by the United States under lease and used as a camp for the Civilian Conservation Corps. The defendant moved to dismiss the indictment on the ground that the United States had acquired exclusive jurisdiction over the lands under a consent statute of the State of New York, and that the Federal courts had jurisdiction over the offense under Section 371 of Title 28, United States Code—manslaughter being one of the crimes enumerated in that section and defined under Section 453 of Title 18 of the Criminal Code of the United States. In denying the motion, the Court held that the use of the property under lease was "not a purchase of property or an acquisition of property under the provisions of the federal Constitution."

**47. State statutes expressly granting jurisdiction over leased property.**—As shown above, if lands are acquired by the United States for its temporary uses, it may not exercise any part of a State's jurisdiction over such lands by virtue of the State's consent to purchase given in terms of the Federal Constitution. However, a State may expressly cede jurisdiction over lands acquired by the United States for its temporary uses, either by lease or otherwise. In fact, a few States have enacted statutes which in terms cede jurisdiction to the United States over lands which it may lease within their respective borders. Among those States are Minnesota,<sup>6</sup> Virginia,<sup>7</sup> Utah,<sup>8</sup> Louisiana,<sup>9</sup> West Virginia,<sup>10</sup> and Washington.<sup>11</sup>

**48. Temporary use of property under war powers.**—During the First World War the State of Washington authorized Pierce County of that State to donate to the United States the lands

<sup>4</sup> Citing *Covington & C. Bridge Co. v. Kentucky*, 154 U. S. 204, 14 S. Ct. 1087; 38 L. Ed. 962; 2 Willoughby, United States Constitutional Law, Secs. 598, 601, 602, and 605. See also *Johnson v. Morrill*, 126 P. (2) 873.

<sup>5</sup> *People v. Bondman*, 291 N. Y. S. 213.

<sup>6</sup> Act of Minn. Legislature approved Apr. 7, 1943 (Sec. 2, Chap. 343, Laws 1943).

<sup>7</sup> Sec. 19, Virginia Code, 1942.

<sup>8</sup> Secs. 27-0-1 et seq., Utah Code Annotated, 1943.

<sup>9</sup> Act of Legislature of Louisiana approved July 5, 1942 (Act. No. 31).

<sup>10</sup> Sec. 3, Chap. 1, West Virginia Code of 1937, Annotated.

<sup>11</sup> Sec. 1, et seq., Chap. 126, Laws of Washington, 1939.